

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Seattle District
 200401147

REGULATORY PROJECT MANAGER:

Shawn Zinszer

Date: 10/18/04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office __ (Y/N)

Date: _____

At the project site _Y_ (Y/N)

Date: 10/13/04

PROJECT LOCATION INFORMATION:

State:

Washington

County:

Clark

Center coordinates of site by latitude & longitudinal coordinates:

045 40 4.88-122 35 26.10

Approximate size of site/property (including uplands & in acres):

7.5 acres

Name of waterway or watershed:

Cold Creek. Burnt Bridge Creek
 Watershed.

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.03								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary __ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The total acreage of wetlands identified within the surveyed area is 0.69 acre. The wetlands within the project area were identified as palustrine emergent (PEM). Generally, these emergent wetlands function at moderate levels. The wetlands are dominated by reed canary grass and lack structural diversity. The wetlands do provide limited functions such as hydrologic control and water quality. The wetlands also provide seasonal wildlife habitat for waterfowl and other species that utilize shallow open water habitats. The wetlands along this corridor are saturated by a combination of groundwater and surface runoff. Wetland "B" within the project area does not have a surface water connection to other waters of the U.S., and therefore is non-jurisdictional. Wetland "A" is considered adjacent to Cold Creek. Wetland "A" is directly connected through conveyance features to Cold Creek. Cold Creek is a tributary to Burnt Bridge Creek. Burnt Bridge Creek is a

tributary to Lake River which is a tributary to the Columbia River. The Columbia River is an interstate navigable water of the United States.